

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Robert MARTUZA et al.  
Title: REPLICATION-COMPETENT HERPES SIMPLEX  
VIRUS MEDIATES DESTRUCTION OF  
NEOPLASTIC CELLS  
Appl. No.: 10/748,233  
Filing Date: 12/31/2003  
Examiner: SHEN, Wu Cheng Winston  
Art Unit: 1632  
Confirmation 7116  
Number:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop After Final  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of a document known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any

document which is determined to be a *prima facie* art reference against the claims of the present application.

#### **TIMING OF THE DISCLOSURE**

The listed document is being submitted in compliance with 37 CFR §1.97(d), after the mailing of a final office action but before receipt of a notice of allowance.

#### **RELEVANCE OF EACH DOCUMENT**

Document E1 is an office action issued in a co-pending application that is related to the present application under 35 U.S.C. § 120.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

#### **STATEMENT**

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this supplemental information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

#### **FEE**

Fees in the amount of \$180.00 to cover the fee associated with an information disclosure statement under 37 CFR §1.97(d) are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this submission under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by

the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date January 25, 2010

By 

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